

CUSTODY/PARENTING TIME **(Formerly known as “VISITATION”)**

1

Emergency Temporary Orders

**Part 1: Completing and Filing
the Court Papers
(Instruction Packet)**

SELF SERVICE CENTER

EMERGENCY TEMPORARY ORDERS FOR CHILD CUSTODY OR PARENTING TIME (Formerly known as "VISITATION")

COMPLETING AND FILING THE EMERGENCY PAPERS

(You must also complete and file papers for temporary orders to file for an emergency order)

How to assemble these documents

This packet contains instructions and procedures for filing emergency temporary orders. Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	DRTE1it	Table of instructions in this packet	1
2	DRTE11i	Instructions for filing for an <i>"Emergency Temporary Order"</i>	2
3	DRTE11p	Procedures for filing for an <i>"Emergency Temporary Order"</i>	3

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INSTRUCTIONS: PETITION FOR EMERGENCY TEMPORARY ORDER

Instructions for filling out the Petition for Emergency Temporary Order and other court documents.

STEP 1: Complete the Petition for Emergency Temporary Order.

- A.** Fill in the information about you at the top of the document, and the caption. This includes the name of the Petitioner, the Name of the Respondent, and the Case Number. The name of the Petitioner should be the same as the Name of the Petitioner in the Petition for Dissolution, Legal Separation, Annulment, Custody or Parenting Time (formerly known as "visitation").
- B.** Check the box to say whether you are asking for an ***"Emergency Temporary Order For Custody or Parenting time"*** or write in your request. Then check the box to say whether you are giving the other party notice of this petition before you see the judge, or you are not giving the other party notice of this petition before you see the judge
- C.** Then write in your name to show that you are the person asking for the ***"Emergency Temporary Order"***.
- D. REASONS WHY I NEED THIS ORDER.** Write in the reasons why you need this order. You must explain the reasons in detail and be very specific. Use additional paper if necessary. Explain the emergency facts which now exist, what injury you fear could occur, why you need this Order immediately, and why an emergency order is the only way to solve the problem. If you have questions about whether you should request an emergency order, see a lawyer for help.
- E. NOTICE TO THE OTHER PARTY.** Check one of the boxes to say whether you are going to tell the other party about this petition before you see the judge. Then fill in the remaining information following the check boxes.
- F. PEOPLE INVOLVED.** Write in the name of the mother, father, other people, children and the children's ages.
- G. PETITION FOR TEMPORARY ORDERS.** You cannot file this emergency petition unless you have filed or you are filing a ***"Petition for Temporary Orders"***. Write in the date you filed or will be filing the ***"Petition for Temporary Orders"***.
- H. DIVORCE OR OTHER PETITION.** You cannot file this emergency petition unless you or the other party has already filed or you are filing a divorce, legal separation, annulment, or custody and parenting time petition. Check the box to show which petition was or will be filed, and the date the petition was or will be filed.
- I. INFORMATION ABOUT OTHER EMERGENCY CASES INVOLVING THE PARTIES OR THE CHILDREN.** Check the boxes that apply and then write in the information requested.

J. OTHER COURT CASES INVOLVING EITHER OR BOTH PARTIES.

Describe all other court cases that involve either or both of the parties, whether pending or not, including criminal cases. Complete all the information for each court order. Use extra paper if necessary.

K. ANY OTHER GOVERNMENT AGENCY INVOLVEMENT WITH EITHER OR BOTH THE PARTIES, OR CHILDREN. State whether there have been or are any complaints with or investigations by any government agency, including Child Protective Services, involving the parties or the child(ren). If so, explain the agency, date, type of case, and status of case right now.

L. CRIMES OF EITHER PARTY: Explain here if either parent or people involved with this Petition have been charged with committing a dangerous crime including child molestation or domestic violence.

M. REQUESTS TO THE COURT

1. Check the boxes that apply to request custody, parenting time, or write in any other emergency orders that you think you need.
2. Then sign the document in front of a notary public or the clerk. The notary public or clerk will date and sign the document too.

STEP 2: **Complete a portion of the ORDER TO APPEAR:** Fill in the information about you at the top of the document, and the caption. This includes the name of the Petitioner, the Name of the Respondent, and the Case Number. The name of the Petitioner should be the same as the Name of the Petitioner in the Petition for Dissolution, or Legal Separation, or Annulment, or Custody or Parenting time. The ***“Order to Appear”*** is the document the Judge will complete to schedule a court hearing for the emergency orders.

STEP 3: **Complete a portion of the EMERGENCY TEMPORARY ORDER:** Fill in the information about you at the top of the document, and the caption. This includes the name of the Petitioner, the Name of the Respondent, and the Case Number. The name of the Petitioner should be the same as the Name of the Petitioner in the Petition for Dissolution, or Legal Separation, or Annulment, or Custody or Parenting time. The ***“Emergency Temporary Order”*** is the document the Judge will sign if he or she agrees that an order must be issued right away. **THIS IS VERY RARE.**

SELF SERVICE CENTER

PROCEDURES: PETITIONS FOR EMERGENCY TEMPORARY COURT ORDERS

INFORMATION ABOUT PETITIONS FOR EMERGENCY TEMPORARY COURT ORDERS:

1. You should not file a ***“Petition for Emergency Temporary Order”*** for Custody and/or Visitation or for any other emergency court order, unless you believe at least one of the following is true:
 - ✓ That someone is about to cause serious bodily harm to another person immediately, OR
 - ✓ That the health, safety, and welfare of a person is otherwise in serious and immediate jeopardy.
2. If you file a ***“Petition for Emergency Temporary Order”*** you must state in the Petition what the emergency is, and be sure that everything you say to the Judge in the Petition is true.
3. You must not file a ***“Petition for Emergency Temporary Order”*** solely to get an earlier court hearing, or to harass the other party or the court, or to cause unnecessary delay of court proceedings.
4. If the Judge finds that you filed the Petition without a very good legal reason, the Judge may order sanctions against you. Sanctions may include contempt, payment of money to the court or other persons for costs resulting from the filing of the Petition, and other consequences.
5. If you have filed a ***“Petition for Emergency Temporary Order”*** in the Superior Court, Downtown Phoenix location and a Judge or Commissioner has denied your request, you cannot use these forms to prepare another ***“Petition for Emergency Temporary Order”*** and file it in the Superior Court Facilities located in Mesa or Surprise. Likewise, if you file your Petition and the Judge or Commissioner denies it in the Superior Court Facility in Mesa or Surprise, you cannot use these forms to prepare another Petition and file it in the Downtown, Phoenix location. If you have questions, you should see a lawyer for help.
6. If you are a victim of domestic violence, see the Self-Service Center packets for Orders of Protection and/or Injunctions against Harassment.

STEPS TO REQUEST EMERGENCY TEMPORARY ORDERS. Here are the steps to ask the Court for **EMERGENCY TEMPORARY ORDERS** while you wait for your court case to be final. To file for an Emergency Temporary Order, you need to complete and file the paperwork for the **Petition for Temporary Orders, and you or the other party must have filed a Petition for Dissolution, or Legal Separation, or Annulment, or Custody or Visitation.** Get all the forms from the Self-Service Center before you begin.

STEP 1: Complete or make sure you or the other party has filed a Petition for Dissolution, or Legal Separation, or Annulment, or Custody or Visitation.

STEP 2: Complete the Petition for Temporary Orders. Before you can file the papers about the emergency, you need to complete the ***“Petition for Temporary Order”*** and ***“Order to Appear”*** and ***“Affidavit of Financial Information”*** and ***“Parent Worksheet on Child Support”***, if you are asking for temporary support and temporary orders. You must serve these documents along with a copy of Rule 6.4 and the two Family Court Department Notices contained in the Temporary Orders packet.

STEP 3: Complete the papers for the Petition for Emergency Temporary Orders. As you complete the ***“Petition for Emergency Temporary Orders”*** decide if you are doing this with or without advance notice to the other party. The court always prefers that you give advance notice, unless you have a very good reason not to, such as fear of death or bodily harm to yourself or someone else. If you have questions about whether you should give notice to the other party, see a lawyer for help.

✓ **WITH ADVANCE NOTICE:** This means that the emergency is very important, but the party who wants the court order will let the other party know about it in advance to tell the Judge his or her side of the story. Notice can be to the other party or his or her attorney.

✓ **WITHOUT ADVANCE NOTICE:** This means that the emergency temporary orders are done by the Judge right away, without letting others know about it ahead of time. This is a very serious matter. The Judge will not grant the ***“Emergency Temporary Order”*** without notice unless you have a very good reason and can prove **that you tried very hard but could not give the other party notice, OR that immediate and irreparable injury, loss, or damage will result if you give notice to the other party.**

STEP 4: Make copies of all the emergency paperwork. Make 3 copies of all the forms. This includes the Petition, the Order to Appear, and the Emergency Temporary Order. Assemble the copies so that you have 4 COMPLETE PACKETS -- the originals and 3 sets of the copies. Attach a copy of the Petition for Temporary Orders to each of packets that are copies.

STEP 5: Serve the other party if you decided that this matter could be handled by giving the other party advance notice. See the Self-Service Center Packet on service.

STEP 6: File the papers at the court.

GO TO THE CLERK’S OFFICE: Take the **original and 3 copies** of the documents to the **Clerk of the Court**, on the first floor of the court, for processing. Make sure you have your paperwork called Petition for Temporary Orders.

WHAT THE CLERK WILL DO: The clerk will file the original of the ***“Petition for Temporary Orders”*** and the original ***“Petition for Emergency Temporary Orders”*** and the ***“Affidavit of Financial Information”***. The clerk will give you back clerk-stamped copies of the documents to show the documents were filed. The clerk will court-stamp all the copies you have, so they all show what was filed. The Clerk will then tell you to take the Emergency paperwork to Family Court Administration. Family Court Administration is located on the 6th Floor of the Central Court Building, 201 West Jefferson, in downtown Phoenix, or the 2nd Floor of the Southeast Court Facility, 222 East Javelina, in Mesa, and in the Northwest Court Facility at 14264 West Tierra Buena Lane in Surprise.

Family Court Administration will tell you the name of the Judge/Commissioner your case is assigned to and will give you instructions about where to go next so that the Judge/commissioner can review your paperwork. Here is a list of the documents you should give Family Court Administration. Separate the documents into three separate packets: one for you, one for the other party, and one for the judge/commissioner.

- ◆ Three clerk-stamped copies of ***"Petition for Emergency Order"***
- ◆ Original and two copies of ***"Emergency Temporary Order"***
- ◆ Original and two copies of ***"Emergency Order to Appear"***
- ◆ Three clerk-stamped copies of ***"Petition for Temporary Orders"***
- ◆ Original and two copies of ***"Order to Appear Regarding Temporary Orders"***
- ◆ Three clerk-stamped copies of the ***"Affidavit of Financial Information"***
- ◆ Three clerk-stamped copies of the ***"Parent Worksheet on Child Support"***, if you are asking for temporary support
- ◆ Original and two copies of the ***"Temporary Order"***

NOTE YOUR CASE NUMBER: The case number assigned when you filed your case is stamped in the upper right-hand corner of all the documents the clerk stamped for you. The case number always starts with the initials **DR, FC or FN. Use this number on every paper you file with the court.**

If you are giving notice to the other party about the emergency paperwork, you should call the other party to tell them the name of the judge/commissioner assigned to your case. If you have questions about whether you should give notice to the other party before the judge reviews your emergency paperwork, see a lawyer for help.

STEP 7: What the judge will do: The Judge will look over the ***"Petition for Emergency Temporary Order"***. The Judge might sign the Emergency Order without seeing you, OR ask you and the other party, if he or she is there, to come into the office and explain the situation, OR have a formal court hearing. The Judge will then decide one of the following:

- ◆ Grant the emergency order, and schedule a court hearing to decide whether to continue the emergency order and/or grant temporary orders; OR
- ◆ Deny the emergency order, but schedule an emergency hearing very quickly so that both parties can come in and tell their story about the emergency temporary orders; OR
- ◆ Deny the emergency orders, and schedule a hearing on the ***"Petition for Temporary Orders"*** when the calendar allows.
- ◆ Order whatever else the Judge thinks is proper. This includes orders against you if the Judge thinks you deliberately tried to do something improper.

STEP 8: Serve the court papers. If the Judge issues the emergency order and/or schedules a hearing, you must personally serve the other party with a full set of the court papers. Follow the instructions that go with the packet on service. If the other party came to the hearing and received a copy of the order when the Judge signed it, you do not need to serve the other party.

STEP 9: The court hearing: If the Judge schedules a hearing, be sure to write down the date, time and place of the court hearing, and come to the hearing. Be on time. Dress neatly. Be prepared to present your evidence about why the Emergency Order should be extended.

Do not bring children to court.